



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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January 13, 2004

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

VHG Labs, Inc.
276 Abby Road
Manchester, NH 03103

Attn: Susan Norris, President

Re: **VHG Labs, Inc.**
Manchester, New Hampshire
EPA ID No. NHD510178031

Dear Ms. Norris:

On October 14, 2003, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of VHG Labs, Inc. ("VHG"). The purpose of the inspection was to determine VHG's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

Env-Wm 504.02(d) – Generator Notification

At the time of inspection, according to DES notification records, VHG had notified as a Full Quantity Generator (>1000 kilograms/ month). However, a review of waste disposal records indicates that VHG's generator status is that of a Full Quantity Generator (100 - 1000 kilograms/ month).

Env-Wm 504.02(d) requires that a generator shall notify DES verbally or in writing of any changes to the information required in Env-Wm 504.02(b), including generator status, within 30 days of the effective date of the change.

DES requested that VHG review its facility hazardous waste generation rates in order to determine its proper generator status; and if necessary, complete and submit a subsequent notification form that accurately reflects the change in generator status.

On October 20, 2003, DES received a subsequent notification form from VHG, reflecting a change in generator status. No further action is required.

2. Env-Wm 507.03(a)(1)a. – Storage Requirements

At the time of the inspection, three (3) totes holding containers of hazardous waste acid observed in the acid storage room, one (1) tote holding containers of hazardous waste organic solvent observed in

the organic solvent storage room, and three (3) 1-gallon containers of hazardous waste organic solvent observed in the organic solvent storage room were not marked with beginning accumulation dates. See the attached Hazardous Waste Container Inventory ("Inventory").

Env-Wm 507.03(a)(1)a. requires that all containers used for the storage of hazardous waste be marked with the beginning accumulation date at the time they are first used to store hazardous wastes.

DES requested that VHG properly mark all containers of hazardous waste with the beginning accumulation date at the time they are first used to store waste.

In a October 23, 2003 submittal from Mr. Philip Nelson, documentation was provided substantiating that hazardous waste containers were marked with the beginning accumulation dates. No further action is required.

3. Env-Wm 507.03(a)(1) b., c., and d. - Container Marking

At the time of the inspection, the three (3) totes holding containers of hazardous waste acid observed in the acid storage room, the one (1) tote holding containers of hazardous waste organic solvent observed in the organic solvent storage room, and the three (3) 1-gallon containers of hazardous waste organic solvent observed in the organic solvent storage room were not marked with the words "hazardous waste," words that identify the contents of the container, and the EPA or state waste number. (See the attached Inventory).

Env-Wm 507.03(a)(1)b., c., and d. require that all containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words "hazardous waste," words that identify the contents of the container, and the EPA or state waste number.

DES requested that VHG properly mark all containers of hazardous waste at the time they are first used to store waste with: the words "hazardous waste," words that identify the contents of the container, and the EPA or state waste number.

In the October 23, 2003 submittal from Mr. Philip Nelson, documentation was provided substantiating that hazardous waste containers were marked with the words "hazardous waste," words that identify the contents of the container, and the EPA or state waste number. No further action is required.

4. Env-Wm 509.02(a)(2) – Personnel Training

A review of VHG's personnel training records revealed that Tony DeRochemont, Safety Officer, did not receive a hazardous waste training annual review in 2002. Additionally, the training records failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that specific documents and records related to personnel training are maintained at the facility.

DES requested that VHG maintain on-site and submit to DES a complete written personnel training program which documents hazardous waste job titles, job descriptions, names of employees filling

each position, and a description of the type and amount of introductory and continuing training to be given to each person filling a position with hazardous waste management duties.

In the October 23, 2003 submittal from Mr. Philip Nelson, a complete written personnel training program was provided to DES. No further action is required.

Env-Wm 509.02(a)(5) – Contingency Plan

A review of VHG's contingency plan revealed deficiencies regarding the following:

- Location and capabilities of emergency equipment;
- 2. Home and office phone numbers of the emergency coordinators;
- 3. Home and office addresses of the emergency coordinators; and
- 4. Description/sketch of the primary evacuation route and alternate evacuation routes.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that VHG revise and update its contingency plan to correct any deficiencies as identified in the enclosed Hazardous Waste Generator Inspection Report.

In the October 23, 2003 submittal from Mr. Philip Nelson, a complete contingency plan was provided to DES. No further action is required.

6. Env-Wm 509.03(g) – Satellite Storage Requirements

At the time of the inspection, one (1) 1-gallon satellite storage container of hazardous waste kerosene and xylene observed in the Instrument Lab was not marked with the words "hazardous waste" and words that identify the contents of the container. DES personnel also observed one (1) additional 2.5-gallon satellite storage container of hazardous waste kerosene and xylene stored in the Instrument Lab that was not marked with words that identify the contents of the container. See the attached Satellite Storage Area Container Inventory.

Env-Wm 509.03(g) requires that at the time the satellite storage container(s) are first used to store wastes, the hazardous waste container(s) are marked with the words "hazardous waste" and with words that identify the contents of the container(s).

DES requested that VHG properly mark the satellite containers of hazardous waste kerosene and xylene with the words "hazardous waste" and words that identify the contents of the container.

During the inspection, VHG personnel marked the satellite containers of hazardous waste keosene and xylene stored in the Instrument Lab with the words "hazardous waste" and with words that identify the contents of the containers. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of documents that corroborate the corrective measures taken by VHG to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may re-inspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed please find a completed copy of the Hazardous Waste Generator Inspection Report to assist you in assessing the noted violations. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh/us/hwcs> or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline, which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this matter, please contact the lead inspector, Robert Bishop, Waste Management Specialist, or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

A large, bold, black handwritten signature that reads "COPY" is superimposed over the signature of Kenneth W. Marschner.

Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: DB/RCRA/NOPV/Archive
Anthony P. Giunta, P.G., Director, Waste Management Division, DES
Gretchen Rule, Esq., DES Administrator, Legal Unit

E mail: JJD, SD, SD, PM

Enclosure: Hazardous Waste Generator Inspection Report